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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/565,182	05/31/2006	Rolf-Juergen Recknagel	101914062	9261

26646 7590 03/14/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
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RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
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2856

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/14/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/565,182

Applicant(s)

RECKNAGEL ET AL.

Examiner

Robert R. Raevis

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 12, 14-20 is/are allowed.
- 6) ☒ Claim(s) 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

### DETAILED ACTION

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watson in view of Nozoe et al.

Watson teaches (col. 33, lines 25-53) coupling an "angular velocity sensor" (line 27) with "processor" (line 39) to control a safety restraint system of a vehicle. A signal from the sensor control the restraint means.

Watson does not teach the particular angular sensor system of claim 11, which calls for sensor, filter and arrangement for carrying out and filter correction.

Nozoe et al teach an "ANGULAR VELOCITY SENSOR" (Title), including: sensor element (40,50,51,52,53,22) for providing an angular velocity signal (i.e. first signal "j" in Figure 28(a)); a low pass filter 23 for receiving the first signal of the sensor element; and arrangement 63 for carrying out a filter correction (Para 134's adjusting of the filter 23) dependent upon a response (on line 24) of the filter to a test signal (on line "j"), which test signal occurs when a second "test signal" (Para 128) is applied to element 40 for the "adjusting operation, without vibrating the sensor" (Para 128). Finally, please note that this apparatus is directed to "a sensor element" (line 3), and thus the body of the claim does not refer back to the "impact sensor"; clearly suggestive that this claim is limited to any sensor.

As to claim 11, it would have been obvious to employ Nozoe's angular velocity sensor for Watson's "roll angular velocity sensor" (col. 33, line 27) as Watson's requirement for an angular velocity sensor is suggestive of any known working angular

velocity sensor. In addition, Nozoe's digital adjusting circuit 63 employs a method of operation (i.e. algorithm) that affects triggering of Watson's restraint system.

As to **Remarks**, consider the following:

As to p. 6, lines 7-8; Claim 11 is directed to a combination that includes the structural limitations defined after "comprising" (line 2). Claim 11 employs a "sensor element" (line 3), suggestive that the claim is limited to any type of sensor element. The limitation "a sensor element" (line 3 of claim 11) does not relate/refer back to the preamble in any manner. The fact that the sensitive element is introduced as "a sensor element" suggests just that. This point was mentioned in the last Office action.

As to p. 6, lines 9-11; Nozoe teaches carrying out a filter correction which necessarily effects the output signal from filter 23, which of course is related to triggering of Watson's safety restraint system. Of course, the "triggering" is not found in Nozo (as the triggering is taught in Watson's system), and the "filter" is not found in Watson (as the filter is taught in Nozo).

As to p. 6, the Watson reference calls for use of a (even any) angular sensor for a restraint system, while Nozoe teaches a particular angular system. As one of ordinary skill must employ a real (i.e. Nozoe's, in this case) angular sensor, Nozoe teaches a particular real angular sensor that would of course properly operate in Watson.

Note: Non elected depend claim 12 is directed to one embodiment, while base claim 11 is directed to a second different embodiment. As claim 1 not generic, Applicant should consider canceling claim 12 in any subsequent response.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2856

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Rowd*

*RAEVIS*